

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Suspension or Revocation of )  
the Licenses to Conduct Gambling Activities of: )

No. CR 2011-00052

Kuhnle's Tavern  
Marysville, Washington,

## NOTICE OF ADMINISTRATIVE CHARGES AND OPPORTUNITY FOR A HEARING

Licensee.

## I.

The Washington State Gambling Commission issued Kuhnle's Tavern, organization number 00-02587, the following licenses:

- Number 05-01122, authorizing Class “E” Punchboard/Pull-Tab activity; and
- Number 65-01099, authorizing Class “D” Amusement Game activity.

The licenses expire on September 30, 2011, and were issued subject to the licensee's compliance with state gambling laws and regulations.

## II.

Rick Day, Director of the Washington State Gambling Commission, charges the licensees with the following violations of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

- 1) Since 1989, Kuhnle's Tavern has held gambling licenses authorizing Amusement Game activity and Punchboard/Pull-Tab activity.
- 2) In September 2010, the licensee entered into a payment plan with the City of Marysville to pay delinquent gambling taxes owed. However, since October 14, 2010, the licensee has not made any payments for delinquent or current gambling taxes to the City of Marysville.
- 3) On January 10, 21011, Commission staff received a petition from the City of Marysville asking for the suspension or revocation of Kuhnle's Tavern's gambling licenses because it had not paid its local gambling taxes and owes the City approximately \$50,776 for gambling taxes owed since the first quarter of 2007.
- 4) The licensee's failure to pay local gambling taxes to the City of Marysville demonstrates its willful disregard for complying with local ordinances. Therefore, under RCW 9.46.075(1) and WAC 230-03-085(1), (3), and (4) grounds exist to suspend or revoke the licenses issued to Kuhnle's Tavern.

**RCW 9A.06.075 Denying, suspending, or revoking an application, license or permit**

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein:

(The following subsections apply.)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

**WAC 230-03-085 Denying, suspending, or revoking a license or permit**

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.

(4) Has failed to pay gambling taxes to local taxing authorities and the local taxing authority has petitioned us to take action.

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Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

Based on RCW 34.05.440, failure to return this document will result in the entry of a default order REVOKING your licenses.

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF THURSTON )

Rick Day, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission and in that capacity has executed said Notice.

STATE OF WASHINGTON )  
 )88  
COUNTY OF THURSTON )

I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 15 day of February, 2010

Communications and Legal Department  
Washington State Gambling Commission

*Dave Trumble for*  
RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before  
me this 15 day of February 2011.

Michelle M. Pardee  
NOTARY PUBLIC in and for the State of  
Washington residing at: Lacey  
My commission expires on: 6/16/2013

